

Notice of Allowability

Application No.

10/632,594

Examiner

Kenneth W. Noland

Applicant(s)

WEISS ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 07-01-05.
2. ☒ The allowed claim(s) is/are 2-7,9,11,12,14 and 15.
3. ☒ The drawings filed on 01 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Cislo on *July 26,2005**.

In claim 9, on line 10 --coupled to said eye-like portion—has been inserted after "portion", second occurrence.

In claim 12., on line 2, --container—has been inserted after "said".

These insertions were made to provide a coupling of the eye-like portion to the gearing in claim 9 and correct indefiniteness in claim 12.

2. The following is an examiner's statement of reasons for allowance: The claims have been allowed because claims 2,5,7 and 9 recite the basic elements of a top housing and a bottom housing to form an enclosure. There is a faceplate to rotatably couple to the top housing and dispense items from the enclosure. There is a novelty portion to move when the faceplate rotates with respect to the housing. Claim 2 further recites gearing to rotatably couple to the novelty portion to the top housing. Claim 5 further recites integrated gearing to rotatably couple to the novelty portion. There is a dispensing aperture to allow an item to pass there through. Claim 7 further recites a top housing portion and a portion hingedly coupled to the top portion. The hingedly portion is opened for placement of items in the enclosure. Claim 9 further recites that the novelty portion includes an eye-like portion and gearing coupled to the eye-like portion.

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Claim 11 recites a container with an orifice. There is a faceplate rotationally coupled to the container and having an aperture to dispense items when aligned with the orifice. There is a novelty member coupled to the faceplate and moves when the faceplate rotates. There is gearing rotationally coupled to a novelty member. Finally, claim 14 recites a dispensing system having a top housing including a first gear. There is a bottom housing coupled to the top housing to form an enclosure. There is a face plate with an aperture to dispense items and is rotatable relative to the top housing. A novelty member is coupled to the faceplate. There is a second gearing to rotationally coupled to the novelty member via the first gearing. The cited references to Coleman et al or Nakamoto et al or Belokin, Jr. do not disclose the interrelationship of the rotatable faceplate and items dispensed from the enclosure and the novelty portion moving when the faceplate rotates. Also there is no interrelationship of gearing rotationally coupled to the novelty portion. The claimed invention is not disclosed nor suggested by any combination of references.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth W. Noland whose telephone number is (571) 272-6941. The examiner can normally be reached on Monday-Thursday, each week.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on (703) 306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kenneth W. Noland 7/26/2005
KENNETH W. NOLAND
PRIMARY EXAMINER